

ITEM:

SUBJECT: Mr. Frank Guinta, Ms. Shari Guinta, Mr. James Ramsey and Ms. Marilyn Ramsey, Franks One Stop, San Joaquin County

BOARD ACTION: *Consideration of Administrative Civil Liability Order*

BACKGROUND: Mr. Frank Guinta, Ms. Shari Guinta, Mr. James and Mrs. Marilyn Ramsey (hereafter collectively known as Dischargers) owned and operated Frank's One Stop gasoline service station (Site) located at 2072 West Yosemite Avenue in Manteca. On 2 May 1992, the San Joaquin County Environmental Health Department (SJCEHD) submitted an Unauthorized Release Report for a gasoline leak from the fuel dispensers at the Site. Despite numerous directives from the SJCEHD between 1992 and 1997 to investigate the petroleum release and remove leaking tanks, the Dischargers conducted limited investigations. In June 1998, two 10,000-gallon diesel underground storage tanks (USTs) and four 10,000-gallon gasoline USTs were removed. Petroleum hydrocarbons and methyl-tert butyl ether (MTBE) were detected in soil and groundwater samples from the tank excavation. In August 2000, an approved interim groundwater pump and treat system was initiated. In September 2000, 12 offsite domestic wells were discovered as impacted by MTBE from the Site and by January 2002 wellhead treatment systems were installed. On 1 January 2003, the Discharger's consultant turned off the on-site remedial system. The Dischargers did not comply with the SJCEHD's 25 February 2003 directive to restart the system immediately. In March 2003, the Regional Board obtained lead agency status from the SJCEHD.

On 18 August 2003 the Regional Board's Executive Officer issued Cleanup and Abatement Order (CAO) No. R5-2003-0713. The CAO directed the Dischargers to maintain and test domestic wellhead treatment systems, submit a Site Investigation Report, a Corrective Action Plan Report, and Quarterly Monitoring Reports and to implement remedial actions. On 16 November 2004 the Regional Board's UST Program Manager issued a subsequent Notice of Violation letter for failure to comply with the CAO. Since January 2005, the Dischargers have not maintained or tested the domestic well-head treatment systems nor submitted the requisite reports. Pursuant to Water Code Section 13350, the Executive Officer issued Administrative Civil Liability Complaint No. R5-2005-0530 (ACL Complaint) for \$400,000 on 30 December 2005. Emergency maintenance, sampling and analyses of the private wellhead treatment systems are currently conducted at the State's expense under Regional Board staff oversight of contractors and laboratory contracts.

ISSUES: The Dischargers continue to be in violation of their Section 13304 Order.

RECOMMENDATION: Adopt Administrative Civil Liability Order as proposed.

Mgmt. Review _____

Legal Review _____

21 September 2006
Central Valley Water Board
11020 Sun Center Drive, No. 200
Rancho Cordova, CA